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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,537	05/12/2004	Ryan McGee	81070752 / FMC 1568 PUS	3536
28395	7590	06/23/2005	EXAMINER	
BROOKS KUSHMAN P.C./FGTL			HOANG, JOHNNY H	
1000 TOWN CENTER			ART UNIT	
22ND FLOOR			PAPER NUMBER	
SOUTHFIELD, MI 48075-1238			3747	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-4, 8-10, 22, and 23, drawn to determining an engine smoothness factor during an engine start event for an internal combustion engine, classified in class 701, subclass 113.
 - II. Claims 5-7, and 11-21, drawn to determining an engine smoothness factor in an engine start event for an accelerator-controlled engine, classified in class 701, subclass 110.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions of group (I) and group (II) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of groups (I) and (II) being related as subcombinations usable together with each capable of use. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for group (I) is not required for group (II), restriction for examination purposes as indicated is proper.
3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion


5 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny H. Hoang whose telephone number is (571) 272-4843.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (571) 272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHH
June 17 2005

Johnny H. Hoang
Examiner
Art Unit 3747


Tony M. Argenbright
Primary Examiner
Art Unit 3747